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SUBJECT: ACTIVISTS ON PODRABINEK AND WHERE THE FAULT LINES LIE

REF: A) MOSCOW 2491 B) MOSCOW 1349

Classified By: Ambassador John Beyrle for reason 1.4 (d)

¶1. (C) Summary: At a roundtable gathering at Spaso House, a group of leading activists told the Ambassador that they continued to face an uphill battle in their work to promote civic freedoms. They said that their relationship with conservatives inside and outside of the GOR remained adversarial, and pointed to a new trend of attempts to shut down independent voices by accusing them of slander. Recent events such as the Orlov trial (reftel) and the Podrabinek case show that conservatives are drawing clear battle lines which they will not let liberals cross. At the same time, calls by some United Russia deputies for the ouster of Presidential Council head Ella Pamfilova, over her defense of Podrabinek's right to free expression, appear to be largely bluster and to indicate a line which conservatives cannot cross without alienating their allies. The tug of war continues between liberal and conservative elements in the GOR, both in the North Caucasus and in the federal government. Although they saw little reason for optimism in Medvedev's liberal rhetoric, these activists remain bloody but unbowed, and await the results of U.S. attempts to set up a constructive civil society dialogue with the GOR. End Summary.

A general "understanding"

¶2. (C) At a roundtable gathering at Spaso House on October 7, a group of leading human rights activists told the Ambassador that they continued to face an uphill battle in their work to promote civic freedoms. Memorial's Oleg Orlov, fresh from his nominal loss in a trial for "slander" against Ramzan Kadyrov (ref A) in which he and Memorial were ordered to pay 70,000 rubles (USD 2,300), told the Ambassador that he feels no personal security whatsoever. Other participants spoke more mildly, with both Svetlana Gannushkina (Civic Assistance) and Aleksey Simonov (Glasnost Defense Fund) saying that "objectively," they did not feel direct threats on a daily basis, but that the "understanding" remained that their actions were being watched. Gannushkina, who also works with Memorial and was closely affected by the murder of her colleague Natalya Estemirova in the North Caucasus, said that she had sent a letter to the General Prosecutor outlining threats to her workers, but never received a response.

Podrabinek: Conservatives draw the line

¶3. (C) Addressing the idea of an underlying "understanding" circumscribing their work, Sakharov Center director Sergey Lukashevsky brought up the example of his predecessor Yuriy Samadurov's arrest for displaying a controversial anti-religious exhibit at the Sakharov Center in 2006. "There's a line that you can't cross," he said. As Gannushkina noted, the most significant example of this

invisible boundary emerged last week, when the pro-Kremlin "Nashi" youth group began a campaign against Aleksandr Podrabinek, one of the editors of the independent website prima-news.ru. Podrabinek wrote an article for the Live Journal website attacking a group of conservative war veterans who had successfully demanded that authorities force a restaurant across from the Sovietskaya Hotel to remove a sign designating the restaurant as "Anti-Sovietskaya."

Although the sign was meant as a play on words and had existed for a number of years, this group of veterans found it offensive. Podrabinek's article was a blistering attack which called the veterans "criminals" who had been "jail-keepers" for Stalin's camps.

14. (C) Nashi leapt to the defense of the veterans, and started a campaign against Podrabinek in which they picketed his residence, vandalized his mailbox, and attempted to break into his home. They issued an ultimatum: Podrabinek must either apologize or leave the country. A firestorm erupted surrounding the case, with liberals attacking Nashi and defending Podrabinek's right to free speech, and conservatives attacking Podrabinek and defending Nashi's right to protest (and do the Kremlin's dirty work).

Medvedev's press spokesperson, Natalya Timakova, said that "any normal civic discussion can be carried on by lawful methods," while Putin called Podrabinek's article "swinish," but said that Nashi's campaign showed "the lack of a political culture" in the country. When the head of the Presidential Council on Human Rights, Ella Pamfilova, spoke out against what she called Nashi's "persecution" of Podrabinek, some United Russia deputies -- most notably former Nashi member Robert Schlegel -- called for her ouster

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if she did not retract her statement, as did a group of Liberal Democrats. (Note: On October 7 the Ambassador called Pamfilova to express the Embassy's support for her; she said that she was pleased to receive the call, since she was being criticized for her stance, but "such is my job." End note.) On October 13, the opposition website grani.ru reported that Nashi had decided to end its vigil outside Podrabinek's apartment. While Nashi refused to comment on the reason for the decision, some speculated that it came as a result of Putin's lukewarm support.

15. (C) Orlov told the Ambassador that he did not see this demand for Pamfilova's ouster as the "unified position" of United Russia, meaning that it was unlikely that Pamfilova would lose her position. However, Moscow Helsinki Group member Valeriy Borshchев noted that one of deputies issuing this demand was the secretary of United Russia, not "a nobody." Simonov also found the sentiments expressed in the United Russia demand "quite clear" and a cause for concern. However, there is little indication that Medvedev has any intention of heeding these calls, and Duma Speaker Boris Gryzlov on October 8 called the idea of ousting Pamfilova "foolish." When the Ambassador asked whether some of these anti-Pamfilova Duma statements might be pre-election posturing, Orlov asked sardonically, "What elections might those be? We don't have any real elections here."

Lukashevsky suggested that Moscow Oblast chief Oleg Mitvol might have capitulated to the veterans' demands to remove the "Anti-Sovietskaya" sign in order to boost his own personal political fortunes within United Russia, which Orlov allowed was plausible. (Note: On October 9 the Moscow Times reported that Mitvol does indeed intend to stand for the Moscow Duma election. End note.)

GOR exploits the "great power" fault-line

16. (C) Gannushkina said that she had no doubt of the GOR support behind Nashi's campaign, adding that she had seen some pro-government youth at a rally in Nizhniy Novgorod, and that "they had no idea what the slogans on their signs actually meant." Asserting that "Podrabinek was just an

"excuse" and part of an ongoing political strategy, Borshchhev said that there is a group within the GOR -- "not all of them, but some" -- who want to tighten the governmental grip on the civil society space, strengthen the power vertical, and eliminate meaningful elections. Lukashevsky said that the anti-Podrabinek campaign is an example of periodic "trial balloons" that the GOR floats in order to gauge the public's reaction. (Note: Others noted a racial component to the persecution of Podrabinek; Borshchhev said that he suspected that anti-Semitism played a role, while Kozhevnikova added that connections between Nashi and the ultra-nationalist Movement Against Illegal Immigration (DPNI) were "well-known." End note.)

¶ 7. (C) In floating this trial balloon, said Center for Media Law and Policy director Andrey Rikhter, the GOR is exploiting public emotions about Russia's glorious Soviet past in order to shut down dissent; "they are clearly trying to bring up the 'great power' idea." The pride over the Soviet victory in what Russians call the "Great Patriotic War" (World War II) is nearly universal here, and is closely linked with the complicated and ambivalent feelings that many have for the man who was at the helm during that victory, Joseph Stalin, whose "effective management" (to use a common conservative description of his rule) killed approximately as many Russians as their German adversaries did. Any statements involving war veterans run the risk of crossing that invisible boundary of acceptability, and roundtable participants unanimously agreed that Podrabinek's article was rude and inflammatory in nature. Nonetheless, all were equally adamant that the Russian Constitution gives him the right to express his views, and gives his opponents the right to express their disagreement non-violently.

¶ 8. (C) The Podrabinek flap thus comes in the context of what some fear is a campaign to rehabilitate Stalin. Galina Kozhevnikova of the anti-extremist group SOVA told the Ambassador that she saw a clear connection between the Podrabinek episode and the GOR's creation in May of a "Committee to Oppose Falsification of History to the Detriment of Russia" (ref B). She noted that recently a book memorializing those who had suffered from Stalin's excesses had been suppressed, and said she considered this a disturbing trend. Borshchhev agreed that each such step represented "a new Stalinism," or at the very least an attempt to raise Stalin's profile. Borshchhev also alluded to a recent GOR-funded book propagating what he called the "myth" of Stalin as the architect of victory. (Note: Stalin's grandson himself opened a case against Novaya Gazeta for its

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unflattering portrayals of his grandfather, but lost the case on October 13. End note.) However, Orlov noted that state-run television often shows films with an anti-Stalin bent, and at times features liberal journalists such as Public Chamber member Nikolay Svanidze on the subject, so the GOR is "not a monolith." It is not so much that the GOR wants to bring back Stalin, Orlov said; it is more that rehabilitating Stalin is "one of the factors" in the overall goal of mythologizing Russia's past as a "great power." References to leaders such as Alexander Nevsky, Peter The Great (Putin's personal favorite), or Stolypin -- but not, as Simonov noted wryly, the liberal Tsar Aleksandr II who freed the serfs -- accomplish the same goal.

"Slander" trials - a new trend?

¶ 9. (C) The roundtable participants largely downplayed the idea that "slander" cases such as the Orlov trial or Nashi's decision to sue Novaya Gazeta, REN-TV, Solidarity, and Polit.ru represent a new page from conservatives' playbook. Borshchhev said that this strategy will not replace other methods, and Kozhevnikova noted that the GOR has already been using "anti-extremism" to go after its critics for several years. As an aside, Simonov pointed out that often such

court cases represent a convenient source of intelligence-gathering for the special services.

¶10. (C) Regarding the Orlov trial, participants agreed that such trials ironically provide activists with a forum in which to air the evidence that they have and to defend their position. Gannushkina said that at the Orlov trial, a guard muttered to her that this would be a good trial for "Kadyrov the bandit." Kadyrov would be guilty in the court of public opinion, if not legally (Gannushkina referred to the Moscow State Court, "MosGorSud," as "MosGorShtamp," implying that its decisions are all rubber-stamp ones). Orlov said that his next move would be to take the case to the European Court of Human Rights, and then to "wait five years" for the result. Orlov also has new problems in this case; on September 24, the Moscow Prosecutor's Office overruled the police department's refusal to open a criminal case against him for "slander."

A tale of two Presidents in the North Caucasus

¶11. (C) Gannushkina pointed out that, all the excitement over the Orlov trial notwithstanding, "we still need to solve the Estemirova killing." Orlov said that the Chechen Investigative Office knows the name of the person -- connected with government structures -- who ordered the killing, and that there are "some truly serious people there" who are "trying to do their job and examine the information that we have sent them." In Orlov's view, the Investigative Office and the Chechen Interior Ministry are at loggerheads, but in the end the "power vertical" will preclude any meaningful results. He added that a witness to the Estemirova killing had to flee the North Caucasus, and that it is impossible for independent courts to function in Chechnya. The uptick in violence in Chechnya shows that Kadyrov, whose *raison d'être* is to provide stability at any cost, is not serving his function. Orlov said that the "Chechnization" of the conflict in the North Caucasus is leading to a "totalitarian structure," as Kadyrov's "hysterical reaction" to any opposition leads to more and more egregious repression.

¶12. (C) Borshchev and Gannushkina contrasted Kadyrov's policies and style with those of Ingush President Yanus-Bek Yevkurov, who, they said, regularly meets with civil society representatives and listens to their concerns respectfully. Borshchev described a meeting that he and Human Rights Ombudsman Vladimir Lukin had attended between Yevkurov and the parents of a son who had been killed by special forces in which Yevkurov treated them with great dignity. The Council of Europe's Commissioner for Human Rights Thomas Hammerberg had commented that even in Europe it would be rare for a President to have such a meeting. Gannushkina called Yevkurov an "honest soldier," and said that he had once told her, "I plan to build Ingushetiya; Chechnya can just go to Kadyrov."

Russia, Sideways?

¶13. (C) Some have suggested that Medvedev appointed Yevkurov as part of an overall plan to oppose harsh, abusive rule in the North Caucasus, and in the country as a whole. However, the participants dismissed hopes that Medvedev plans to institute a new liberal era in the country. While

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acknowledging that Kremlin insider and "sovereign democracy" advocate Vladislav Surkov likely played a role in formulating Medvedev's recent liberal-flavored "Russia, Forward" article, Simonov said, "Sure, he plays these games," but such rhetoric is all talk and no action, "an earthquake in the air." Gannushkina surmised that intra-Kremlin struggles are playing out between advocates and opponents of liberal reforms. She said that after Medvedev met with the Presidential Council on

Human Rights in April (itself a significant step forward), the materials that they had given him -- "which we saw him take" -- disappeared. He was searching for them, and calling people to ask what had happened to them, when they eventually reappeared in a modified form.

The U.S. Role

¶14. (C) Intra-GOR debates notwithstanding, none of these activists expected any sea-changes in policy any time soon. However, they did point to several areas where they considered the GOR to be amenable to suggestion on improving its human rights record. Kozhevnikova said that, in her opinion, the GOR sincerely wants to fight extremism. In May the Minister of the Interior announced that in the context of the crisis, ultranationalism poses almost as big a security threat to the country as does terrorism. Kozhevnikova said, "They fear the crisis; they know that they have no communication with the people; and perhaps they see us as having influence." Borshchev noted that last June, Medvedev finally signed a law on public control which Borshchev had been promoting for ten years. "There are rights defenders, and not a few," said Borshchev. "The potential is there." Borshchev also told us that although he had lost out to Luzhkov-favored candidate Aleksandr Muzikantskiy for the newly created Moscow Human Rights Ombudsman position (Borshchev had been nominated by Yabloko, of which he is a member), Muzikantskiy and he had agreed to collaborate with him closely.

¶15. (C) Given the GOR's openness on some issues, these activists saw an increased U.S. role in promoting the human rights agenda in our bilateral relations. Gannushkina reiterated a point that she said she had brought up during President Obama's visit, that the dialogue should be four-part, with government officials and civil society representatives all sitting together at a table as equal partners. She said that under Yeltsin, dialogue had roughly followed this format, "but now we're talked down to, if we're talked to at all." There were titters at the mention of the Bilateral Working Group on Civil Society, because the activists place such little stock in Surkov as a constructive interlocutor. However, they all agreed that the U.S. is now in a much stronger moral position as a result of the improvement in its own human rights policy under Obama. In the end, they said, the key is to persuade GOR officials that both human rights activists and the U.S. want a Russia that is strong and stable; as Gannushkina said, chaos would be an undesirable "nightmare" for all involved.

Comment

¶16. (C) Both the Podrabinek episode and the apparently ineffective anti-Pamfilova posturing indicate that there are lines that both liberals and conservatives alike cannot cross. As the two sides continue to trade blows within the GOR and within society as a whole, these human rights activists continue to display both bravery and sober-mindedness in the face of very real threats. Eschewing hyperbole and emotion, they view the situation objectively, and they have clear ideas on how the U.S. can support their work effectively and strategically. We will continue to consult with them closely as we approach our bilateral dialogues in the Civil Society Working Group.

Beyrle